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February 4, 2002 LB 824

fundamental problem with LB 824 today is not its objective. would vote for its objective, that is to provide for a penalty for harm to a woman that results in the loss of a pregnancy. would vote for that. I, as yet, cannot vote for something that does more than that, and that is express a individual, personal belief about how we become human beings and at what point we become human beings and at what point we're entitled to that extra protection of the law. But beyond that, the legislation that you have in front of you in the definitional section that Senator Schimek is addressing is very seriously flawed. Now you can pass that and express your personal beliefs and it will never be prosecuted. It will never be used in the way that you would think your personal beliefs would dictate it be used. It will never be used in that way. Maybe that will satisfy you, maybe that will satisfy your constituents, but it won't in any sense satisfy what the requirements of law are and, yet, that should be of some concern to you today.

SENATOR CUDABACK: Thank you, Senator Wickersham. Senator Robak.

SENATOR ROBAK: Mr. Speaker, I give my time to Senator Chambers.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Thank you, Senator Robak. Members of the Legislature, I would like to ask Senator Foley a question.

SENATOR CUDABACK: Senator Foley.

SENATOR CHAMBERS: Senator Foley, in your definition of "unborn child", this unborn child will have died as a result of this homicidal act whether before, during, or after birth. How long after birth would this apply?

SENATOR FOLEY: The legislation does not provide any particular parameter, but presumably the longer the time horizon the greater...

SENATOR CHAMBERS: Let me ask you this question. Suppose the